

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

Melissa Baily (Bar No. 237649)

3 melissabaily@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

4 jordanjaffe@quinnemanuel.com

Lindsay Cooper (Bar No. 287125)

5 lindsaycooper@quinnemanuel.com

50 California Street, 22nd Floor

6 San Francisco, California 94111-4788

Telephone: (415) 875-6600

7 Facsimile: (415) 875-6700

8 Attorneys for GOOGLE LLC

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 GOOGLE LLC,

13 Plaintiff,

14 vs.

15 SONOS, INC.

16 Defendants.

CASE NO. 3:20-cv-06754-WHA

**GOOGLE'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
GOOGLE'S OPPOSITION TO SONOS,
INC.'S MOTION TO DISMISS OR
TRANSFER TO THE WESTERN
DISTRICT OF TEXAS**

Pursuant to Civ. L.R. 7-11 and 79-5 and in conformance with this Court’s Standing Order governing requests to file documents under seal, Plaintiff Google LLC (“Google”) hereby requests to file under seal portions of Google’s Opposition to Sonos, Inc.’s Motion to Dismiss or Transfer to the Western District of Texas (“Opposition”), and certain exhibits in support thereof, filed concurrently herewith. Specifically, Google requests an order granting leave to file under seal the documents and portions of documents listed below:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality
Google’s Opposition	Green highlighted portions	Google & Sonos
	Blue highlighted portions	Google
Declaration of Daniel S. Friedland in Support of Google’s Opposition	Blue highlighted portions	Google
Declaration of James Judah in Support of Google’s Opposition	Blue highlighted portions	Google
Ex. 13 to the Declaration of Lindsay Cooper in Support of Google’s Opposition (“Cooper Decl.”)	Blue highlighted portions	Google & Sonos
Ex. 14 to Cooper Decl.	Blue highlighted portions	Google & Sonos
Ex. 15 to Cooper Decl.	Entire document	Google & Sonos
Ex. 16 to Cooper Decl.	Entire document	Google & Sonos

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civ. L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. THE COURT SHOULD SEAL GOOGLE’S CONFIDENTIAL INFORMATION

The Court should seal the portions of Google’s Opposition and the declarations in support thereof and exhibits thereto, as identified by Google in the table above. In the context of

1 dispositive motions, materials may be sealed in the Ninth Circuit upon a showing that there are
2 “compelling reasons” to seal the information. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d
3 1172, 1178-79 (9th Cir. 2006). A party has “compelling reasons” to seal information in a filing
4 when the material would disclose “sources of business information that might harm a litigant’s
5 competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

6 Google seeks to seal confidential business information that fits squarely within this
7 category. Specifically, Google seeks to seal portions of its Opposition and Exhibits 15 and 16
8 because these materials contain information about confidential, non-public agreements between
9 Google and Sonos. Cooper Decl. ¶ 3; *Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*, No.
10 17CV205-MMA (MDD), 2020 WL 1911502, at *3 (S.D. Cal. Apr. 20, 2020) (finding compelling
11 reasons to seal “non-public, confidential information” concerning “commercial relationships,”
12 “agreements,” and “business dealings” between the parties); *see also In re Electronic Arts, Inc.*,
13 298 F. App’x. 568, 569 (9th Cir. 2008) (finding compelling reasons to seal terms of a licensing
14 agreement). Public disclosure of this information would harm Google’s competitive standing and
15 its ability to negotiate future agreements. Cooper Decl. ¶ 3; *see In re Google Inc. Gmail Litig.*, No.
16 13-MD-02430-LHK, 2014 WL 10537440, at *5 (N.D. Cal. Aug. 6, 2014 (sealing “the terms of
17 Google’s contracts” because they “are trade secrets that, if disclosed, could cause competitive
18 harm to Google”). Google has narrowly tailored its requests to only information meriting sealing.

19 In addition, Google seeks to seal portions of its Opposition, the Declaration of Daniel S.
20 Friedland, and the Declaration of James Judah because these materials contain non-public
21 information regarding the number of Google employees in various U.S. locations, as well as the
22 identity and job responsibilities of certain Google employees that have relevant knowledge for the
23 purposes of this litigation. Cooper Decl. ¶ 4; *Google Inc. v. Eolas Techs. Inc.*, No. 15-CV-05446-
24 JST, 2016 WL 9243337, at *2 (N.D. Cal. Mar. 22, 2016) (finding that disclosure of “names of
25 specific employees and numbers or proportions of employees assigned to particular locations or
26 project teams within Google” would “harm a litigant’s competitive standing” and sealing such
27 business information).

1 Finally, Google seeks to seal portions of Exhibits 13 and 14 because they contain non-
2 public email addresses of Google and Sonos employees. Cooper Decl. ¶ 4; *see Ehret v. Uber*
3 *Techs., Inc.*, No. 14-CV-00113-EMC, 2015 WL 12977024, at *3 (N.D. Cal. Dec. 2, 2015)
4 (granting sealing of “e-mail addresses of Uber employees” due to privacy concerns and because
5 they “[were] not relevant to the merits of the motion of this case”).

6 **III. CONCLUSION**

7 In compliance with Civil Local Rules 79-5(d) and (e), redacted and unredacted versions of
8 the above listed documents accompany this Administrative Motion. For the foregoing reasons,
9 Google respectfully requests that the Court grant Google’s administrative motion to file under
10 seal.

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12 DATED: October 26, 2020

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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14
15 By /s/ Lindsay Cooper
Charles K Verhoeven
16 Melissa Baily
17 Jordan Jaffe
Lindsay Cooper
18 *Attorneys for Plaintiff*
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ATTESTATION

I, Charles K. Verhoeven, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Lindsay Cooper has concurred in the aforementioned filing.

/s/ Charles K. Verhoeven

Charles K. Verhoeven